

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

REYNOLDS & REYNOLDS CO.,

Plaintiff,

Case No.: 1:12-CV-848

vs.

SUPERIOR INTEGRATED
SOLUTIONS INC.,

District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

Defendant.

REPORT AND RECOMMENDATION¹

On October 15, 2013, Defendant, Superior Integrated Solutions, Inc., filed a Motion for Leave to Amend Its Answer and Counterclaim. Doc. 52. Defendant had previously filed a Motion for Leave to Amend First Amended Counterclaim and Incorporated Memorandum of Law on July, 26, 2013. Doc. 43. Defendant asserts that its new filing “supersedes the proposed amended pleadings attached to SIS’ Motion for Leave to Amend First Amended Counterclaim and Incorporated Memorandum of Law (Doc. #43), filed July 26, 2013.” Doc. 52 at PageID 686. Further, Ms. Crandall, counsel for Defendant, indicated during the telephone conference held on October 23, 2013 that Defendant intended for its most recent Motion for Leave to Amend (doc. 52) to supersede its prior Motion for Leave to Amend (doc. 43).

IT IS THEREFORE RECOMMENDED THAT:

Defendant’s Motion for Leave to Amend First Amended Counterclaim and Incorporated Memorandum of Law (doc. 43) be **DENIED AS MOOT**.

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

October 28, 2013

s/ **Michael J. Newman**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981).